

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MITCHELL WILSON, individually and  
on behalf of all other persons similarly  
situated,

Plaintiff,

vs.

AUTOZONE, INC., a Nevada  
corporation; and DOES 1-50, inclusive,

Defendants.

Case No. 1:20-cv-00758-NONE-BAM

**PRELIMINARY SCHEDULING ORDER**

This Court conducted a preliminary scheduling conference on September 1, 2020. Counsel Scott Brooks appeared by telephone on behalf of Plaintiff Mitchell Wilson. Counsel Evan Moses, Jennifer Katz and Stephen Woods<sup>1</sup> appeared by telephone on behalf of Defendant AutoZone, Inc.

**A. Consent to Magistrate Judge**

Pursuant to 28 U.S.C. § 636(c), the parties have not consented to conduct all further proceedings in this case, including trial, before the Honorable Barbara A. McAuliffe, United States Magistrate Judge.

**B. Fed. R. Civ. P. 26(a)(1) Initial Disclosures**

Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by **September 14, 2020**.

**C. Amendment to the Parties' Pleadings**

All stipulated amendments or motions to amend shall be filed by **November 30, 2020**.

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<sup>1</sup> Mr. Woods intends to apply for admission pro hac vice in this action.

**D. Preliminary Class Certification Dates**

After discussion with counsel, the Court **SETS** the following dates for class certification only:

1. Class Certification Discovery Cutoff: April 9, 2021
2. Class Certification Motion Filing Deadline: May 24, 2021
3. Class Certification Opposition: July 26, 2021
4. Class Certification Reply: September 27, 2021
5. Class Certification Hearing: October 15, 2021  
Time: 9:00 a.m.  
Dept: 8 (BAM)

**E. Law and Motion**

Non-dispositive motions are heard on Fridays at 9:00 a.m. in Courtroom 8 before the Honorable Barbara A. McAuliffe, United States Magistrate Judge. Before scheduling such motions, the parties shall comply with Local Rule 230 or Local Rule 251.

Counsel must comply with Local Rule 251 with respect to discovery disputes or the motion will be denied without prejudice and dropped from calendar. In addition to filing a joint statement electronically, a copy of the joint statement shall also be sent Judge McAuliffe's chambers by email to bamorders@caed.uscourts.gov. Counsel for the parties are additionally required to conduct at least one **telephonic or in person conference** as part of their obligations to meet and confer in good faith to resolve their discovery dispute prior to seeking judicial intervention. The parties are further cautioned that boilerplate objections to written discovery will be summarily denied.

Upon stipulation of the parties, Judge McAuliffe will resolve discovery disputes by informal telephonic conference outside the formal procedures of the Local Rules and Federal Rules of Civil Procedure governing noticed motions to compel. The procedures for requesting an informal telephonic conference are set forth in Judge McAuliffe's Case Management Procedures located on the Court's website, <http://www.caed.uscourts.gov>. If the parties stipulate to an informal ruling on a discovery dispute that arises during a deposition, they may request an informal ruling during the deposition by contacting Judge McAuliffe's Courtroom Deputy, Esther Valdez, by telephone at (559) 499-5788.

1 The parties are advised that unless prior leave of the Court is obtained, all moving and  
2 opposition briefs or legal memorandum in civil cases before Judge McAuliffe shall not exceed twenty-  
3 five (25) pages. Reply briefs by the moving party shall not exceed ten (10) pages. These page  
4 limitations do not include exhibits. Briefs that exceed this page limitation, or are sought to be filed  
5 without leave, may not be considered by the Court.

6 Counsel or pro se parties may appear and argue motions before Judge McAuliffe by telephone  
7 by dialing the Court's teleconference line at (877) 411-9748 and entering access code 3219139,  
8 provided they indicate their intent to appear telephonically on their pleadings or by email to  
9 evaldez@caed.uscourts.gov at least one week prior to the hearing.

10 **Motions for Summary Judgment or Summary Adjudication**

11 Prior to filing a motion for summary judgment or motion for summary adjudication the parties  
12 are ORDERED to meet, in person or by telephone, and confer to discuss the issues to be raised in the  
13 motion.

14 The purpose of meeting shall be to: 1) avoid filing motions for summary judgment where a  
15 question of fact exists; 2) determine whether the respondent agrees that the motion has merit in whole  
16 or in part; 3) discuss whether issues can be resolved without the necessity of briefing; 4) narrow the  
17 issues for review by the Court; 5) explore the possibility of settlement before the parties incur the  
18 expense of briefing a summary judgment motion; and 6) to arrive at a joint statement of undisputed  
19 facts.  
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21 The moving party shall initiate the meeting and provide a draft of the joint statement of  
22 undisputed facts. In addition to the requirements of Local Rule 260, the moving party shall file a joint  
23 statement of undisputed facts.

24 In the notice of motion, the moving party shall certify that the parties have met and conferred  
25 as ordered above and set forth a statement of good cause for the failure to meet and confer.

26 **F. Effect of This Order**

27 This order represents the best estimate of the Court and counsel as to the agenda most suitable  
28 for this case. If the parties determine at any time that the schedule outlined in this order cannot be

1 met, counsel are ordered to notify the Court immediately of that fact so that adjustments may be made,  
2 either by stipulation or by subsequent status conference.

3       **The dates set in this Order are considered to be firm and will not be modified absent a**  
4 **showing of good cause even if the request to modify is made by stipulation. Stipulations**  
5 **extending the deadlines contained herein will not be considered unless they are accompanied by**  
6 **affidavits or declarations, and where appropriate, attached exhibits, which establish good cause**  
7 **for granting the relief requested.**

8       The failure to comply with this order may result in the imposition of sanctions.

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10 IT IS SO ORDERED.

11 Dated: September 1, 2020

12 /s/ Barbara A. McAuliffe  
13 UNITED STATES MAGISTRATE JUDGE  
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